

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BENJAMIN HOUGHTON BEACH,

Plaintiff,

Case No. 21-cv-10401

Hon. Matthew F. Leitman

v.

CORIZON HEALTH, INC.,

Defendant.

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 24), (2) GRANTING DEFENDANT’S
MOTION FOR SUMMARY JUDGMENT (ECF No. 18), AND (3)
DISMISSING PLAINTIFF’S COMPLAINT (ECF No. 1) WITHOUT
PREJUDICE**

Plaintiff Benjamin Houghton Beach is a state inmate in the custody of the Michigan Department of Corrections (the “MDOC”). In this *pro se* civil-rights action, Moore alleges that Defendant Corizon Health, Inc. was deliberately indifferent to his serious medical needs. (*See* Compl., ECF No. 1.)

On November 8, 2021, Corizon moved for summary judgment on the basis that Beach had failed to exhaust his administrative remedies prior to filing suit by completing the MDOC’s three-step internal grievance procedure. (*See* Mot., ECF No. 24.) Beach appears to acknowledge that his claims against Corizon were not exhausted at the time he filed his Complaint. (*See* Beach Resp., ECF No. 23,

PageID.130, 135-137.) But he asks that the Court dismiss his claims without prejudice so that he can potentially re-file them in the future. (*See id.*)

On March 24, 2022, the assigned Magistrate Judge issued a Report and Recommendation in which he recommended that the Court grant Corizon's motion and dismiss the claims against Corizon without prejudice (the "R&R"). (*See* R&R, ECF No. 24.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days (*i.e.*, by no later than April 7, 2022.) (*See id.*, PageID.302.)

Beach has not filed any objections to the R&R. Nor has he contacted the Court to ask for additional time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). In addition, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Beach has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommendation to grant Corizon's summary judgment motion and dismiss Beach's claims against Corizon without prejudice is **ADOPTED**.

IT IS FURTHER ORDERED that (1) Corizon's Motion for Summary Judgment (ECF No. 18) is **GRANTED** and (2) Beach's Complaint (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE**. If Beach re-files his suit against Corizon, he may apply for relief from a second filing fee at that time. (*See* R&R, ECF No. 24, PageID.166.)

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: May 12, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 12, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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